

U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210



May 22, 2018

Jeffrey D. Buttolph
Special Agent
Department of Labor, Office of Inspector General
1240 East Ninth Street, Room 821
Cleveland OH 44199

RE: Subpoena dated May 11, 2018, Testify and Produce OIG and DOL Documents in
Case No. 17-CR-00507, *U.S. v. Charles David Snyder*, U.S. District Court, ND Ohio

Special Agent Buttolph:

This letter authorizes you to release OIG investigative files to the prosecution team and testify in the criminal trial of Charles Synder ("defendant"). Per the attached subpoena, the defendant broadly requested documents and recordings from "all Dept. of Labor" and did not enumerate OIG-specific material. Pursuant to established OIG policies, you may share your investigative material with the U.S. Attorney's Office in furtherance of discovery proceedings and prosecution of *U.S. v. Snyder*. To the extent your investigative files contain documents from other DOL entities and you utilized those materials in the investigation of the defendant, AUSA Michael Collyer may choose to produce and present those materials in pre-trial and trial proceedings under applicable case law and court rules. Any production of OIG documents to the defendant ought to be made through the prosecutor.

In response to this subpoena, you should not attempt to obtain for the defendant any DOL material not already within OIG's possession or control, and which you did not rely upon in your investigation. Because the subpoena requested OIG's production of "all" DOL material, which may include material you neither possessed nor utilized during the course of your investigation, I have determined the subpoena was improperly directed to you, as you are not the proper custodian of non-OIG records. Rather, other DOL agencies may be in possession of potentially responsive documents. Moreover, the trial judge determined the defendant has not made a sufficient showing to permit a pre-trial subpoena for the production of documents. Lastly, DOL's *Touhy* regulation, 29 CFR Subpart C, *Employees Served with Subpoenas*, §§ 2.20-2.25, gives specific authority to the Deputy Solicitor for any third party request for DOL material. Hence, we referred this matter to the DOL Office of the Solicitor. DOL's *Touhy* regulation sets forth procedures when a subpoena, in connection with a proceeding to which DOL is not a party, is used for production of DOL material.

Should you have questions about this memorandum, you may contact Ms. Le Nguyen, OIG Office of Legal Services, at nguyen.le@oig.dol.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Dahl", written in a cursive style.

Scott S. Dahl
Inspector General

Attachment:

Subpoena dated May 11, 2018, Case No. 17-CR-00507, *U.S. v. Snyder*

cc: Ms. Le Nguyen, OLS
Ms. Elizabeth Ashley, US DOL Solicitor's Office

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America
v.
CHARLES DAVID SNYDER

Case No. 17-CR-00507

Defendant

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Special Agent Jeffrey D. Buttolph
US Department of Labor, Office of Inspector General
1240 East Ninth Street, Rm 821
Cleveland, OH 44199

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Thomas D. Lambros U.S. Courthouse and Federal Building 125 Market St., Youngstown, OH 44503	Courtroom No.: Judge Pearson, Rm. 351 Date and Time: 05/29/2018 9:00 am
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

1) Copies of all Dept. of Labor memorandums of interviews related to Attevo and/or Ruralogic and/or Charles David Snyder; 2) Copies of all Dept. of Labor notes and internal memoranda related to its investigation of the Attevo and/or Ruralogic 401(k) plans; 3) Copies of all Dept. of Labor memoranda related to Attevo and/or Ruralogic 401(k) plan employee withholdings, deposits, and dates corresponding to the same; and 4) copies of all Dept. of Labor notes and recordings related to Thomas E. Perez, Sec. of Labor v. Charles David Snyder, Case No. 13CV2474.

The date and time of your appearance is subject to change.
Please contact Robert J. Fedor at (440) 250-9709 with any questions.

(SEAL)

Date:

MAY 11 2018

SANDY OPACICH, CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Charles David Snyder, who requests this subpoena, are:

Robert J. Fedor
23550 Center Ridge Road, Suite 107
Westlake, OH 44145

rjfedor@fedortax.com
(440) 250-9709

Case No. 17-CR-00507

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: